

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

May 24, 2022

FROM

TRACY REECE, Chief Probation Officer, Probation Department

SUBJECT

Revenue Memorandum of Understanding with the Superior Court of California, County of San Bernardino for Pretrial Release Services

RECOMMENDATION(S)

1. Approve the Revenue Memorandum of Understanding with the Superior Court of California, County of San Bernardino for Pretrial Release Services pursuant to Senate Bill 129, including one-time and ongoing funding from the Judicial Council of California, effective ~~May 25, 2022 through May 24, 2022~~ April 26, 2022 through April 25, 2027.
2. Authorize the addition of 22 new positions in the Probation Department's 2021-22 budget, as identified in the Background Information section, pending completion of classification request review by the Human Resources Department.
3. Approve purchase of 10 new vehicles in the Probation Department's 2021-22 budget to be utilized for Pretrial Release Services pursuant to Senate Bill 129.
4. Authorize the Auditor/Controller/Treasurer/Tax Collector to increase appropriations and revenue in the Probation Department's 2021-22 budget, totaling \$7,776,528, as detailed in the Financial Impact section (Four votes required).

(Presenter: Tracy Reece, Chief Probation Officer, 387-5692)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary Funding (Net County Cost). Approval of this Revenue Memorandum of Understanding (MOU) will result in increased revenue to the Probation Department (Probation) of \$5,028,275 in one-time implementation funds and ongoing funding in the amount of \$2,748,253 in 2021-22, representing 70% of the annual Judicial Council of California (JCC) pretrial operation allocations. No matching funds are required. One time funding will cover start-up costs of the program, including computer hardware, information technology services, and vehicle purchases. Ongoing funding will cover the annual costs of salaries and benefits.

The table below reflects the budget adjustments requested by Probation to fund Pretrial Release Services for the current fiscal year. Approval of this item will allow the Auditor-Controller/Treasurer/Tax Collector to post the following adjustments to Probation's 2021-22 budget:

Fund Center	Commitment Item	Description	Action	Amount
4810001000	40408840	State Other	Increase	\$2,748,253
4810001000	51001010	Regular Salary	Increase	\$1,447,462

Fund Center	Commitment Item	Description	Action	Amount
4810001000	52002116	Computer Hardware Expense	Increase	\$364,020
4810001000	52002420	Information Technology Department and Other Information Technology Services	Increase	\$50,000
4810001000	52002445	Other Professional Services	Increase	\$406,771
4810001000	54504050	Vehicles	Increase	\$480,000

Adequate appropriations will be included in the 2022-23 recommended budget.

BACKGROUND INFORMATION

Senate Bill (SB) 129, Statutes of 2021, Chapter 69, amended the Budget Act of 2021, and provided funding for the implementation and operation of ongoing court programs and practices that promote the safe, efficient, fair and timely pretrial release of individuals booked into jail. SB 129 permits courts to contract with any county department, including county probation departments, to provide pretrial services, except those departments or agencies that have primary responsibility for making arrests or prosecuting criminal offenses.

This ~~Revenue~~ MOU has been approved and executed by ~~the Superior Court of California, County of San Bernardino (Court) the Courts and Probation~~ as of April 26, 2022, pending final execution following approval by the Board of Supervisors (~~Board~~). ~~This MOU was originally scheduled for consideration by the Board on April 26, 2022, but was deferred to allow additional time to confirm program information and guidelines. The retroactive start date of the MOU does not impact the services and/or the budget items as no services have yet been rendered and no funds have been transferred.~~

Under this MOU, Probation is required to provide continuous assessment and monitoring services for pretrial released clients. Based on the extent of these ~~se~~ duties and services required in the MOU, the additional requested 22 positions will be needed in order to perform these duties. The newly added positions will be responsible for identifying individuals booked on non-serious felonies for possible pretrial release. Probation will also be responsible for preparing reports for the ~~Superior Court of California, County of San Bernardino (Court)~~ on assessment scores, criminal history, recommendations for release, conditions of release and data sharing with the Courts. Additionally, the Probation Officers will be responsible for community supervision and ongoing monitoring of pretrial released clients requiring utilization of County vehicles.

The JCC has allocated to the Court one-time and ongoing funding under SB 129, of which Probation will receive 70% for assessment, monitoring, and reporting services under the recommended MOU. The Court will retain 30% of the allotted funding for implementation and administrative services. Subsequent annual ongoing allocations are determined by the JCC. The JCC is mandated to distribute the allocation amount for all superior courts based on each county's relative proportion of the state population ages 18 to 25. The funds allocated to Probation each year shall be at least 70% of the entire ongoing funding allocation; the one-time allocation shall remain unchanged.

Probation is seeking approval of these items at this time, rather than submitting them as part of the 2022-23 Budget, as the County will assume responsibility for Pretrial ~~Release~~ Services prior to the end of the 2021-22 fiscal year. Probation is requesting approval of Recommendation Nos. ~~2 and 3~~ to add the following 22 Full Time Equivalent (~~FTE~~) positions effective May 25, 2022:

- Probation Officer III (2 FTE)
- Probation Officer II (15 FTE)
- Supervising Probation Officer (2 FTE)
- Office Assistant III (3 FTE)

[Probation is requesting approval of Recommendation No. 3 to purchase 10 new vehicles.](#)

Probation will provide physical monitoring of pretrial released clients in three general geographic regions of San Bernardino County: Central Valley, West Valley, and High Desert. Probation's current fleet of vehicles cannot accommodate the additional personnel and duties that will be required to provide [Pretrial Release Services](#). This MOU allows for the purchase of additional vehicles to perform the required duties indicated above.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Probation Department (Thomas Kamara, Director of Probation Administration, 387-9631) on ~~March~~ [May 423](#), 2022; Human Resources Department (Cassandra Serrato, HR Business Partner II, 387-5652) on March 21, 2022; County Counsel (Jamie Ryan, Deputy County Counsel, 387-5455) on ~~May~~ [Feb 1423](#), 2022; Risk Management Department (Victor Tordesillas, Director, 386-8623) on March 18, 2022; Auditor-Controller/Treasurer/Tax Collector (Charlene Huang, General Accounting Manager, 382-7022) on March 21, 2022; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5285) on May 4, 2022; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on May 10, 2022.